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Heartland-COG/North Central Ohio Computer Cooperative
1495 W. Longview Ave. Suite 100
Mansfield, OH 44906
Voice: (419) 747-8660
Fax: (419) 747-8680
Web: <http://www.ncocc-k12.org/>

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November 28, 2003

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

Request for Review
File Nos. SLD-226381, 248224, 250882, 257003
CC Docket No. 02-6

Dear Sirs,

My name is Bill Swartzmiller and I am the Executive Director of the North Central Ohio Computer Cooperative (NCOCC) in Mansfield, Ohio. We are a consortium of school districts. I am requesting the Commission review its affirmation of the SLD's denial of appeal. In your letter dated October 6, 2003, you upheld the original SLD decision to deny the NCOCC appeal on the basis of the NCOCC appeal was filed beyond the 60-day filing window. The NCOCC appeal was postmarked by the United States Postal Service on February 9, 2003. The SLD did not physically receive the appeal until February 14, 2003. This is a statement of fact and NCOCC agrees the date of receipt of the appeal was February 14, 2003. However, in subsequent months, the Commission released its Second Report and Order and Further Notice of Proposed Rulemaking. In the Second Report and Order, the Commission states the following:

57. Postmark We also agree with commenters that we should treat appeals to the Administrator or the Commission as having been received on the date that they are postmarked rather than the date they are filed. Commenters note that this change would be consistent with other program filing deadlines.¹⁰⁷ For example, such a change would make the appeal procedure consistent with the Administrator's practice of treating FCC Form 471 applications as having been filed as of the postmark date. In cases where a postmark is unclear or illegible, the Commission will require the applicant to submit a sworn affidavit stating the date that the appeal was mailed. Given this possibility, we continue to encourage

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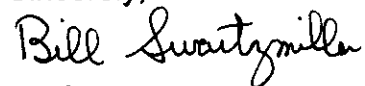
parties to file appeals electronically, in order to ensure timely submission. In addition, we agree with commenters that using the postmarked date furthers the goals of improving program operation and ensuring a fair and equitable distribution of the benefits of the program.108 Thus, we find that it is consistent with public interest that we treat appeals to the Administrator or the Commission as having been filed on the date they are postmarked. We therefore add a new section 54.720(e) to our rules.109

When I sent the appeal, I believed I was operating under the correct deadline guidelines for filing an appeal. Unfortunately for the schools comprising our consortium, the deadline date was based on date of receipt rather than postmark date. I assumed the 60-day time limit concluded with the need to have the appeal postmarked no later than midnight on the 60th day. My misinterpretation has resulted in a loss of consideration for our original appeal to the SLD. It is also unfortunate the appeal deadline was the only deadline in the E-Rate Program that utilizes the received by date.

The Commission obviously agreed with the Commenters by releasing a change in the deadline guidelines. Based on the Commission's change, NCOCC is requesting the Commission allow the SLD to review NCOCC's original appeal on its merits.

Thank you for your consideration on this matter. I look forward to your decision.

Sincerely,



Bill Swartzmiller
Executive Director
North Central Ohio Computer Cooperative